

REMARKS

Favorable reconsideration of this application, in light of the preceding amendments and following remarks, is respectfully requested.

Claims 15-18, 20-21, 27-28, 34-35, 41-42 and 47-50 are pending in this application. By this Amendment, claims 15-18 are amended no claims have been cancelled. Claims 47-50 are new. No new matter is added. Claims 15-18 are the independent claims. Example support for the amendments herein may be found at Para. [0041-0052] and Figs. 4-7 of Applicants' application.

Provisional Double Patenting Rejection

Claims 15-18, 20-21, 27-28, 34-35 and 41-42

Claims 15-18, 20-21, 27-28, 34-35 and 41-42 are provisionally rejected on the grounds of non-statutory obviousness-type double patenting as being unpatentable over claims 1-4, 8-10, 15, 33-36, 40, 43, 44, 49 and 54 of copending Application No. 10/766,193.

Applicants acknowledge this provisional rejection, and will take the appropriate steps to address this rejection once the claims in the present application and the claims in pending application No. 10/766,193 are indicated as including allowable subject matter since this provisional rejection is based on claims that may change. Further, Applicants respectfully request the Examiner reconsider this rejection in view of the amended claims. Moreover, Applicants respectfully submit claims 15-18, 20-21, 27-28, 34-35 and 41-42 of the current application and claims 1-4, 8-10, 15, 33-36, 40, 43, 44, 49 and 54 of copending Application No. 10/766,193 are patentably distinct, as detailed below.

Applicants submit that to establish a *prima facie* case of nonstatutory-type double patenting rejection, the Examiner must first identify the inventions claimed in the claims under consideration and in the reference patent claims. The Examiner must then establish that any variation between the inventions claimed in the claims under consideration and the earlier-issued patent claims would have been obvious to a person having ordinary skill in the art.

Based on U.S. case law, the Examiner's showing of obviousness must follow the analysis used to establish a *prima facie* case of obviousness under 35 U.S.C. § 103(a); the burden of proof would then shift to the applicant to rebut the *prima facie* case. See *In re Longi*, 225 USPQ 645, 651 (Fed. Cir. 1985).

As an example, Applicants submit that amended claim 15 of the current application appears to be patentably distinct from claim 1 of the copending application. In particular, amended independent claim 15 of the current application recites *inter alia* "recording a first clip information file and a second clip information file on the recording medium, the first clip information file being associated with the first stream file and including type information indicating a type of the first stream file, the second clip information file being associated with the second stream file and including type information indicating a type of the second stream file." Independent claim 1 of copending application No. 10/766,193 does not even recite any limitations relating to a "first clip information file" and a "second clip information file," where the "first clip information file" is disclosed as "including type information indicating a type of the first stream file" and the "second clip information file" is disclosed as "including type information indicating a type of the second stream file," as recited in amended claim 15 of the current application. In addition to the above limitation of amended

claim 15, there are also various other differences in the limitations between amended claim 15 of the current application and claim 1 of the copending application.

For at least the foregoing reasons, amended claim 15 of the current application is patentably distinct over claim 1 of copending Application No. 10/766,193. Amended independent claims 16-18 are at least somewhat similar to amended claim 15. Claims 20-21, 27-28, 34-35 and 41-42 depend from at least one of amended independent claims 15-18. Therefore, at least some of claims 15-18, 20-21, 27-28, 34-35 and 41-42 of the current application and at least some of claims 1-4, 8-10, 15, 33-36, 40, 43, 44, 49 and 54 of copending Application No. 10/766,193 are patentably distinct from each other. Should the Examiner still find certain claims to be patentably indistinct between the two copending applications, Applicants respectfully submit that Examiner specify and explain, with respect to the obviousness standards described above, those claims of the copending applications that Examiner alleges to be patentably indistinct.

Claims 15-18, 20-21, 27-28, 34-35 and 41-42

Claims 15-18, 20-21, 27-28, 34-35 and 41-42 are provisionally rejected on the grounds of non-statutory obviousness-type double patenting as being unpatentable over claims 1-2, 9-10, 12-15, 18-21, 23-27, 29-30, 32-33, 35-36, 38-39, 41-42 and 44-45 copending Application No. 10/766,239.

Applicants acknowledge this provisional rejection, and will take the appropriate steps to address this rejection once the claims in the present application and the claims in pending application No. 10/766,239 are indicated as including allowable subject matter since this provisional rejection is based on claims that may change. Further, Applicants respectfully request the Examiner reconsider this rejection in view

of the amended claims. Moreover, Applicants respectfully submit claims 15-18, 20-21, 27-28, 34-35 and 41-42 of the current application and claims 1-2, 9-10, 12-15, 18-21, 23-27, 29-30, 32-33, 35-36, 38-39, 41-42 of copending Application No. 10/766,239 are patentably distinct, as detailed below.

Applicants submit that to establish a *prima facie* case of nonstatutory-type double patenting rejection, the Examiner must first identify the inventions claimed in the claims under consideration and in the reference patent claims. The Examiner must then establish that any variation between the inventions claimed in the claims under consideration and the earlier-issued patent claims would have been obvious to a person having ordinary skill in the art.

Based on U.S. case law, the Examiner's showing of obviousness must follow the analysis used to establish a *prima facie* case of obviousness under 35 U.S.C. § 103(a); the burden of proof would then shift to the applicant to rebut the *prima facie* case. See *In re Longi*, 225 USPQ 645, 651 (Fed. Cir. 1985).

As an example, Applicants submit that amended claim 15 of the current application appears to be patentably distinct from claim 1 of the copending application. In particular, amended independent claim 15 of the current application recites *inter alia* "recording a first clip information file and a second clip information file on the recording medium, the first clip information file being associated with the first stream file and including type information indicating a type of the first stream file, the second clip information file being associated with the second stream file and including type information indicating a type of the second stream file." While independent claim 1 of copending application No. 10/766,239 recites "first and second clip information files," the first clip information file is disclosed as having a "first entry point map including at least one entry point mapping between a presentation time and

a unit of the first stream file.” Similarly, the second clip information file for claim 1 of copending application No. 10/766,239 is disclosed as having a “second entry point map including at least one entry point mapping between a presentation time and a unit of the second stream file.” Therefore, neither of the “first and second clip information files” of copending application No. 10/766,239 are disclosed as “including type information indicating a type of the first stream file” or “indicating a type of the second stream file,” as recited in amended claim 15 of the current application. In addition to the above limitation of amended claim 15, there are also various other differences in the limitations between amended claim 15 of the current application and claim 1 of the copending application.

For at least the foregoing reasons, amended claim 15 of the current application is patentably distinct over claim 1 of copending Application No. 10/766,239. Amended independent claims 16-18 are at least somewhat similar to amended claim 15. Claims 20-21, 27-28, 34-35 and 41-42 depend from at least one of amended independent claims 15-18. Therefore, at least some of claims 15-18, 20-21, 27-28, 34-35 and 41-42 of the current application and at least some of claims 1-2, 9-10, 12-15, 18-21, 23-27, 29-30, 32-33, 35-36, 38-39, 41-42 of copending Application No. 10/766,239 are patentably distinct from each other. Should the Examiner still find certain claims to be patentably indistinct between the two copending applications, Applicants respectfully submit that Examiner specify and explain, with respect to the obviousness standards described above, those claims of the copending applications that Examiner alleges to be patentably indistinct.

Claims 15-18, 20-21, 27-28, 34-35 and 41-42

Claims 15-18, 20-21, 27-28, 34-35 and 41-42 are provisionally rejected on the grounds of non-statutory obviousness-type double patenting as being unpatentable over claims 13-15, 24-27, 29-30, 36-37, 43-44 and 50-51 of copending Application No. 10/766,211.

Applicants acknowledge this provisional rejection, and will take the appropriate steps to address this rejection once the claims in the present application and the claims in pending application No. 10/766,211 are indicated as including allowable subject matter since this provisional rejection is based on claims that may change. Further, Applicants respectfully request the Examiner reconsider this rejection in view of the amended claims. Moreover, Applicants respectfully submit claims 15-18, 20-21, 27-28, 34-35 and 41-42 of the current application and claims 13-15, 24-27, 29-30, 36-37, 43-44 and 50-51 of copending Application No. 10/766,211 are patentably distinct, as detailed below.

Applicants submit that to establish a *prima facie* case of nonstatutory-type double patenting rejection, the Examiner must first identify the inventions claimed in the claims under consideration and in the reference patent claims. The Examiner must then establish that any variation between the inventions claimed in the claims under consideration and the earlier-issued patent claims would have been obvious to a person having ordinary skill in the art.

Based on U.S. case law, the Examiner's showing of obviousness must follow the analysis used to establish a *prima facie* case of obviousness under 35 U.S.C. § 103(a); the burden of proof would then shift to the applicant to rebut the *prima facie* case. See *In re Longi*, 225 USPQ 645, 651 (Fed. Cir. 1985).

As an example, Applicants submit that amended claim 15 of the current application appears to be patentably distinct from claim 13 of the copending application. In particular, amended independent claim 15 of the current application recites *inter alia* “recording a first clip information file and a second clip information file on the recording medium, the first clip information file being associated with the first stream file and including type information indicating a type of the first stream file, the second clip information file being associated with the second stream file and including type information indicating a type of the second stream file.” Independent claim 13 of copending application No. 10/766,211 does not even recite any limitations relating to a “first clip information file” and a “second clip information file,” where the “first clip information file” is disclosed as “including type information indicating a type of the first stream file” and the “second clip information file” is disclosed as “including type information indicating a type of the second stream file,” as recited in amended claim 15 of the current application. In addition to the above limitation of amended claim 15, there are also various other differences in the limitations between amended claim 15 of the current application and claim 13 of the copending application.

For at least the foregoing reasons, amended claim 15 of the current application is patentably distinct over claim 13 of copending Application No. 10/766,211. Amended independent claims 16-18 are at least somewhat similar to amended claim 15. Claims 20-21, 27-28, 34-35 and 41-42 depend from at least one of amended independent claims 15-18. Therefore, at least some of claims 15-18, 20-21, 27-28, 34-35 and 41-42 of the current application and at least some of claims 13-15, 24-27, 29-30, 36-37, 43-44 and 50-51 of copending Application No. 10/766,211 are patentably distinct from each other. Should the Examiner still find certain claims to be patentably indistinct between the two copending applications, Applicants respectfully

submit that Examiner specify and explain, with respect to the obviousness standards described above, those claims of the copending applications that Examiner alleges to be patentably indistinct.

Claims 15-18, 20-21, 27-28, 34-35 and 41-42

Claims 15-18, 20-21, 27-28, 34-35 and 41-42 are provisionally rejected on the grounds of non-statutory obviousness-type double patenting as being unpatentable over claims 1-11, 26-27, 32-35, 39-42, 46-49 and 53-56 of copending Application No. 10/759,461.

Applicants acknowledge this provisional rejection, and will take the appropriate steps to address this rejection once the claims in the present application and the claims in pending application No. 10/759,461 are indicated as including allowable subject matter since this provisional rejection is based on claims that may change. Further, Applicants respectfully request the Examiner reconsider this rejection in view of the amended claims. Moreover, Applicants respectfully submit claims 15-18, 20-21, 27-28, 34-35 and 41-42 of the current application and claims 1-11, 26-27, 32-35, 39-42, 46-49 and 53-56 of copending Application No. 10/759,461 are patentably distinct, as detailed below.

Applicants submit that to establish a *prima facie* case of nonstatutory-type double patenting rejection, the Examiner must first identify the inventions claimed in the claims under consideration and in the reference patent claims. The Examiner must then establish that any variation between the inventions claimed in the claims under consideration and the earlier-issued patent claims would have been obvious to a person having ordinary skill in the art.

Based on U.S. case law, the Examiner's showing of obviousness must follow the analysis used to establish a *prima facie* case of obviousness under 35 U.S.C. § 103(a); the burden of proof would then shift to the applicant to rebut the *prima facie* case. See *In re Longi*, 225 USPQ 645, 651 (Fed. Cir. 1985).

As an example, Applicants submit that amended claim 15 of the current application appears to be patentably distinct from claim 1 of the copending application. In particular, amended independent claim 15 of the current application recites *inter alia* “recording a first clip information file and a second clip information file on the recording medium, the first clip information file being associated with the first stream file and including type information indicating a type of the first stream file, the second clip information file being associated with the second stream file and including type information indicating a type of the second stream file.” Independent claim 1 of copending application No. 10/759,461 does not even recite any limitations relating to a “first clip information file” and a “second clip information file,” where the “first clip information file” is disclosed as “including type information indicating a type of the first stream file” and the “second clip information file” is disclosed as “including type information indicating a type of the second stream file,” as recited in amended claim 15 of the current application. In addition to the above limitation of amended claim 15, there are also various other differences in the limitations between amended claim 15 of the current application and claim 1 of the copending application.

For at least the foregoing reasons, amended claim 15 of the current application is patentably distinct over claim 1 of copending Application No. 10/759,461. Amended independent claims 16-18 are at least somewhat similar to amended claim 15. Claims 20-21, 27-28, 34-35 and 41-42 depend from at least one of amended independent claims 15-18. Therefore, at least some of claims 15-18, 20-21, 27-28,

34-35 and 41-42 of the current application and at least some of claims 1-11, 26-27, 32-35, 39-42, 46-49 and 53-56 of copending Application No. 10/759,461 are patentably distinct from each other. Should the Examiner still find certain claims to be patentably indistinct between the two copending applications, Applicants respectfully submit that Examiner specify and explain, with respect to the obviousness standards described above, those claims of the copending applications that Examiner alleges to be patentably indistinct.

Claims 15-18, 20-21, 27-28, 34-35 and 41-42

Claims 15-18, 20-21, 23-25, 27-28, 34-35 and 41-42 are provisionally rejected on the grounds of non-statutory obviousness-type double patenting as being unpatentable over claims 20, 32-38 and 21, 40-47 of copending Application No. 10/759,460.

Applicants acknowledge this provisional rejection, and will take the appropriate steps to address this rejection once the claims in the present application and the claims in pending application No. 10/759,460 are indicated as including allowable subject matter since this provisional rejection is based on claims that may change. Further, Applicants respectfully request the Examiner reconsider this rejection in view of the amended claims. Moreover, Applicants respectfully submit claims 15-18, 20-21, 27-28, 34-35 and 41-42 of the current application and claims 20, 32-38 and 21, 40-47 of copending Application No. 10/759,460 are patentably distinct, as detailed below.

Applicants submit that to establish a *prima facie* case of nonstatutory-type double patenting rejection, the Examiner must first identify the inventions claimed in the claims under consideration and in the reference patent claims. The Examiner must then establish that any variation between the inventions claimed in the claims

under consideration and the earlier-issued patent claims would have been obvious to a person having ordinary skill in the art.

Based on U.S. case law, the Examiner's showing of obviousness must follow the analysis used to establish a *prima facie* case of obviousness under 35 U.S.C. § 103(a); the burden of proof would then shift to the applicant to rebut the *prima facie* case. See *In re Longi*, 225 USPQ 645, 651 (Fed. Cir. 1985).

As an example, Applicants submit that amended claim 15 of the current application appears to be patentably distinct from claim 20 of the copending application. In particular, amended independent claim 15 of the current application recites *inter alia* “recording a first clip information file and a second clip information file on the recording medium, the first clip information file being associated with the first stream file and including type information indicating a type of the first stream file, the second clip information file being associated with the second stream file and including type information indicating a type of the second stream file.” However, independent claim 20 of copending application No. 10/759,460 only recites a “first clip file including presentation data” and a “second clip including audio data.” Therefore, neither of the first and second clip files in claim 20 of copending application No. 10/759,460 recite any limitations relating to “including type information indicating a type of the first stream file” or “indicating a type of the second stream file,” as recited in amended claim 15 of the current application. In addition to the above limitation of amended claim 15, there are also various other differences in the limitations between amended claim 15 of the current application and claim 20 of the copending application.

For at least the foregoing reasons, amended claim 15 of the current application is patentably distinct over claim 20 of copending Application No. 10/759,460.

Amended independent claims 16-18 are at least somewhat similar to amended claim 15. Claims 20-21, 27-28, 34-35 and 41-42 depend from at least one of amended independent claims 15-18. Therefore, at least some of claims 15-18, 20-21, 27-28, 34-35 and 41-42 of the current application and at least some of claims 20, 32-38 and 21, 40-47 of copending Application No. 10/759,460 are patentably distinct from each other. Should the Examiner still find certain claims to be patentably indistinct between the two copending applications, Applicants respectfully submit that Examiner specify and explain, with respect to the obviousness standards described above, those claims of the copending applications that Examiner alleges to be patentably indistinct.

New Claims

Applicants respectfully submit that new dependent claims 47-50 are patentable by virtue of their dependency on one of amended independent claims 16 and 18.

CONCLUSION

In view of the above remarks and amendments, the Applicants respectfully submit that each of the pending objections and rejections has been addressed and overcome, placing the present application in condition for allowance. A notice to that effect is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to contact the undersigned.

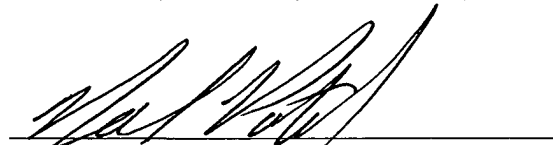
Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Gary D. Yacura, at the telephone number of the undersigned below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

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By



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